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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIMINI STREET, INC., a Nevada
 corporation,

Plaintiff,

v.

ORACLE INTERNATIONAL
 CORPORATION, a California corporation,
 and ORACLE AMERICA, INC., a Delaware
 corporation,

Defendants.

AND RELATED COUNTERCLAIMS.

CASE NO. 2:14-cv-01699-LRH-CWH

**RIMINI'S STATEMENT OF NON-
 OPPOSITION TO ORACLE'S
 MOTION PURSUANT TO 17 U.S.C.
 § 410(c) THAT EVIDENTIARY
 PRESUMPTION APPLY TO
 ORACLE'S COPYRIGHT
 REGISTRATIONS [DKT. 867]**

1 Plaintiff and Counterdefendant Rimini Street, Inc. and Counterdefendant Seth Ravin
 2 (together, “Rimini”) file this Statement of Non-Opposition to Oracle International Corporation
 3 and Oracle America, Inc.’s (together, “Oracle”) Motion Pursuant to 17 U.S.C. § 410(c) that
 4 Evidentiary Presumption Apply to Oracle’s Copyright Registrations (“Motion”), Dkt. No. 867.

5 Rimini’s Non-Opposition is limited to the specific relief requested by Oracle: that the
 6 Court apply the “presumption of evidentiary validity pursuant to 17 U.S.C. § 410(c) to the 39
 7 certificates of registration at issue in this motion.” Mot. at 24. Rimini takes no position at this
 8 time on any registrations other than the 39 addressed in Oracle’s Motion. Nor does Rimini take
 9 a position on the *actual* validity of 39 registrations in Oracle’s Motion. Rather, Rimini merely
 10 states its non-opposition to the application of Section 410(c)’s *presumption* to the 39
 11 registrations. As is common with respect to Section 410(c) motions, Rimini reserves all rights
 12 to litigate any further disputes relating to the copyright registrations, including their ultimate
 13 validity. *See, e.g., Lamps Plus, Inc. v. Seattle Lighting Fixture Co.*, 345 F.3d 1140, 1145–46
 14 (9th Cir. 2003) (“The presumption of the validity of a registered copyright may be overcome
 15 by the ‘offer [of] some evidence or proof to dispute or deny the plaintiff’s prima facie case of
 16 infringement.’”) (quoting *Entm’t Research Group v. Genesis Creative Grp. Inc.*, 122 F.3d 1211,
 17 1217 (9th Cir. 1997)); *United Fabrics Int’l, Inc. v. C&J Wear, Inc.*, 630 F.3d 1255, 1258 (9th
 18 Cir. 2011) (The conclusion that a party “is presumed to own a valid copyright” under
 19 section 410(c) “is not tantamount to holding that [the party] in fact owns a valid copyright. That
 20 issue may still need to be resolved as this case moves forward.”). Further, Rimini does not
 21 assent to any other legal or factual claims made by Oracle in its Motion.¹

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 23 ¹ Oracle incorrectly states that Rimini “refused to stipulate to the validity of these copyright
 24 registrations.” Mot. at 1. This statement is false and misleading for two reasons. First, Rimini
 25 has never refused to stipulate. Just one week before filing its Motion, Oracle asked Rimini to
 26 stipulate to the validity of its copyright registrations, and Rimini advised Oracle that it would
 27 consider the issue. Oracle never mentioned that it would be filing a motion, never told Rimini
 28 that it needed a response by a certain date, and never responded to Rimini’s email indicating
 that it had any concerns about Rimini’s assurance that it would consider the issue in good faith.
 Second, Oracle is not even seeking a ruling that the registrations are valid. Rather, it is merely
 asking the Court to apply the Section 410(c) *presumption* to 39 registrations. Oracle has never
 approached Rimini about whether Rimini would stipulate to application of that presumption.
 Oracle has therefore unnecessarily filed a Motion, hundreds of pages of exhibits, and five
 declarations—wasting time and resources—all because it failed to adequately meet and confer.

1 Dated: October 26, 2018

2 GIBSON, DUNN & CRUTCHER LLP

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4 By: /s/ Jeffrey T. Thomas
5 Jeffrey T. Thomas

6 *Attorneys for Plaintiff and Counterclaimant*
7 *Rimini Street, Inc. and Counterdefendant Seth*
8 *Ravin*
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused to be electronically uploaded a true and correct copy in Adobe “pdf” format of the above document to the United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is deemed complete upon transmission of the Notice of Electronic Filing (“NEF”) to the registered CM/ECF users. All counsel of record are registered users.

DATED: October 26, 2018

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Jeffrey T. Thomas

Jeffrey T. Thomas

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